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DATE: September 27, 2003

OFFICIAL

RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Kaushal	From: Jay F. Williams
Voice Tel. No.: 703-305-6838	Voice Tel. No.: (703) 836-6620
Fax Tel. No.: 703-308-4242	Sent By: Jay F. Williams
Your Ref.: Application 09/543,771	Our Ref.: 032796-014
	Total Pages (Incl. Cover Page): 23

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SEP 26 2003

RE: U.S. Patent Application Serial No. 09/543,771

MESSAGE: Official Communication requesting the issuance of a new Official Action setting forth the correct period of reply.

I hereby certify that this correspondence is being sent
by Facsimile Transmission to the Assistant
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on:

Date: 9/27/03
Name: JAY WILLIAMS
(Typed or printed name of person signing the certificate)
Signature: [Signature]
(Signature of person signing the certificate)
Date: 9/27/03
(Date of Signature)

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Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Patent
Attorney's Docket No. 032796-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
John P. CARULLI <i>et al.</i>)	Group Art Unit: 1636
)	
Application No.: 09/543,771)	Examiner: Sumesh Kaushal, Ph.D.
)	
Filed: April 5, 2000)	Confirmation No.: 6685
)	
For: HIGH BONE MASS GENE OF)	
11q13.3)	

**OFFICIAL COMMUNICATION TO RESET THE PERIOD FOR REPLY
DUE TO DEFECTS IN THE OFFICIAL ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Official Communication is in response to the Official Action mailed on August 27, 2003 (Paper No. 29), and is being filed on or before one month from the mail date of the Official Action. Applicants respectfully request the issuance of a new Official Action that corrects the below-noted errors in the August 27, 2003 Official Action and resets the period for reply.

The August 27, 2003 Official Action contains numerous defects and/or inconsistencies regarding the time period for reply. Specifically, the Office Action Summary sets a shortened statutory period for reply that is *three months* from the mailing date of the Official Action. However, the Office Action Summary also indicates that it is an Ex parte Quayle action. See August 27, 2003 Official Action, Item 3. Typically, Ex parte Quayle actions have a *two month* period for reply. See Ex parte Quayle, 25 U.S.P.Q. 74, 1935 C.D. 11; 453 O.G. 213 (Comm'r Pat. 1935); M.P.E.P. §§ 710.02(b), 714.14. Furthermore, on page 2 of the Official Action, it is further indicated that Applicants have *one month* from the mail of the Official Action to reply.

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Due to these conflicting time periods, Applicants contacted Examiner Kaushal and Supervisory Examiner Yucel on numerous occasions to discuss this matter and to request the issuance of a new Official Action that resets the period for reply. During these telephonic discussions, in particular the one held on September 25, 2003, Examiners Kaushal and Yucel acknowledged the above-noted defects and indicated that a new Official Action would be mailed that resets the period for reply as soon as the application file is returned from scanning. Applicants wish to thank Examiners Kaushal and Yucel for these discussions.

Since Applicants have yet to receive an Interview Summary or a new Official Action, Applicants respectfully submit this Official Communication within one month of the mail date of the August 27, 2003 Official Action, notifying the Office of the defects in the Official Action and requesting the issuance of a new Official Action resetting the period for reply pursuant to M.P.E.P. § 710.06.

In the event that there are any questions concerning this Official Communication of the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: Jay F. Williams

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Registration No. 48,036

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Date: September 27, 2003

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(Signature of person signing the certificate)
Date: 9/27/03
(Date of Signature)